

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

EMILY SHANK,

:

Plaintiff,

:

Case No. 3:14cv00089

vs.

:

District Judge Walter Herbert Rice

CAROLYN W. COLVIN,  
Acting Commissioner of the Social  
Security Administration,

:

Chief Magistrate Judge Sharon L. Ovington

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Defendant.

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**DECISION AND ENTRY**

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The Court has conducted a de novo review of the Report and Recommendations of Chief United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on May 1, 2015 (Doc. #12) is adopted in full;
2. The Commissioner's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff Emily Shank was under a "disability" within the meaning of the Social Security Act;

4. This case is remanded to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. § 405(g) for further consideration consistent with this Decision and Entry and the Report and Recommendations; and,
5. The case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read 'W. Herbert Rice', is positioned above a horizontal line.

Walter Herbert Rice  
United States District Judge